



Responses to Domestic Violence in India: A Study in Maharashtra and Madhya Pradesh

*Women's Studies Unit
Tata Institute of Social Sciences*

In its 1995 Country Report for the Fourth World Conference on Women in Beijing, the Indian government changed its official views by recognizing violence against women (VAW) as a critical issue. For many decades, the magnitude of the problem has been hidden behind a cultural emphasis on the privacy and sanctity of the family and on self-sacrificing womanhood, as well as a generally conservative and insensitive judiciary.

Police registration of crimes against women has increased dramatically in recent years, with reported cases 44 percent higher in 1995 than in 1991; nearly 30 percent of all such crimes occur at the hands of husbands and in-laws (National Crimes Record Bureau, 1995). Cases reported to the police under the legal classifications of cruelty, torture, and dowry death represent only part of the problem; rape, molestation, and prostitution are also on the rise.

Unfortunately, few concrete estimates exist that reflect the extent and forms of domestic violence in India. Similarly, few studies have been conducted to document or assess programs that combat violence. In an effort to help to fill this gap of information and action, the Women's Studies Unit at the Tata Institute of Social Sciences undertook a research study in 1997-98 on institutional responses to domestic violence.¹ Founded in 1984, the Women's Studies Unit conducts research on the structural issues that impact women's lives, the particular problems they face, and their strengths and capabilities.

Objectives

The research study sought to develop a suitable methodology with which to examine domestic violence. Specific objectives of the project were to:

- Analyze the range of governmental and nongovernmental responses to domestic violence in the states of Madhya Pradesh and Maharashtra;
- Identify "best practices" among such responses and related programs.

The Research Approach

The methodology of the study combined a quantitative survey of field practices with a qualitative analysis of responses to domestic violence. The central state of Madhya Pradesh and the western state of Maharashtra were selected as study sites because they together account for nearly one-third of total

registered crimes against women in India and report the highest number of cases of torture and cruelty by husbands and/or their relatives.

The two states also have significant differences. Maharashtra has made strong headway in social and economic development and has

been at the center of a vibrant and active women's movement. In contrast, Madhya Pradesh is one of India's least developed states. Its voluntary sector is of recent origin and its women's movement is limited to a few locales.

¹ For the purposes of this study, domestic violence is defined as physical and emotional abuse experienced by an adult woman within the household.

In Maharashtra, a directory of nongovernmental organizations (NGOs) allowed researchers to contact those that were working on the issue of domestic violence. In the absence of a similar directory in

Madhya Pradesh, researchers carried out a pilot visit to several districts in order to identify key informants. Through a combination of mailed questionnaires and field research, NGOs and government representa-

tives were identified and interviews were conducted. Secondary data sources (such as government policies and reports by various agencies) were also analyzed.

Results

The study analyzed the range of governmental and nongovernmental responses and the quality of services related to domestic violence, as detailed below.

Police and Legal Responses

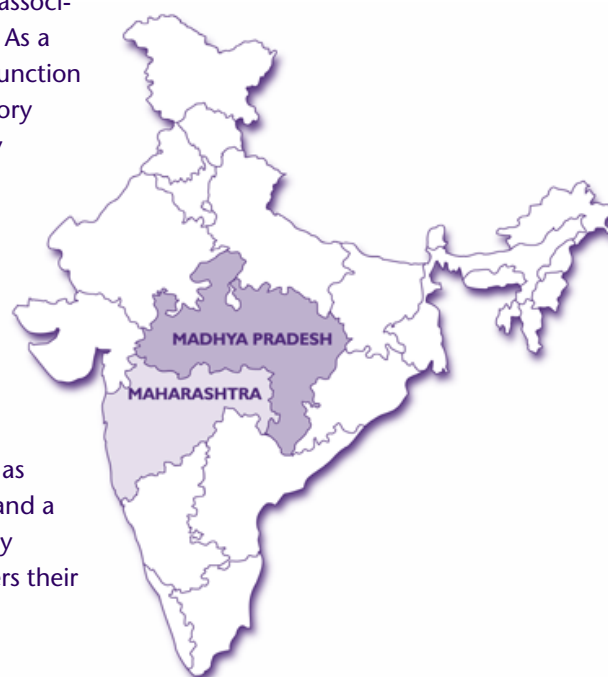
Most entities dealing with domestic violence seek to mediate cases in a manner that does not lead to the breakdown of marital relations or households. This tendency is in part dictated by the reality that many women may not necessarily opt for a break in their marriage, and in part by the prevalent view that marriage is an inviolable institution. Going a step further, some NGOs function with an understanding of the structural nature of domestic violence and seek to empower women through education, legal awareness, asset creation, and mobilization of women's groups. Specific steps to address violence are as follows.

- **Criminalization of domestic violence.** Recent legal amendments address the problems of dowry harassment and death.² Some of these have broader implications, in particular Section 498A (an amendment to the Dowry Act of 1983), which classifies domestic violence as a cognizable offense, recognizes

both physical and mental cruelty against women within marriage, and allows for the arrest of an accused person without a warrant. Section 498A has been largely ineffective due to factors such as police reluctance to register cases, high rates of acquittal, and emphasis on reconciliation. However, the law has a strong deterrent value.

- **Making legal services accessible.** Attempts to improve access to the police and to legal services have included the establishment of Legal Aid Cells, Family Courts, and Women's Courts. Some of these interventions are constrained by a lack of associated punitive power. As a result, these bodies function primarily as conciliatory mechanisms and rely exclusively on mediation counseling to help parties reach an understanding. Informants have indicated that the limited number of such entities, as well as poor infrastructures and a lack of support by key departments, hampers their effectiveness.

- **Sensitizing police.** Police counseling cells, community policing initiatives, and the establishment of All Women Police Stations (AWPS) integrate valuable NGO experience with the state's financial resources and, in turn, provide more sensitive and professional services to women. However, male bias in the police system against the physical and professional capabilities of women constrains the effectiveness of female staff, while a lack of personnel, infrastructure, support, and opportunities for training and skill development have reduced the success of these efforts.



²In the wake of a spate of dowry-related murders in the 1980s and subsequent public protests, the Indian government adopted legal reforms. However, the study shows that police and legal interventions related to violence have focused on young brides, thus denying the complex realities of most women's experiences with violence.

Supportive Services

The quality of supportive services depends on factors such as the availability and regularity of funding, staff competence and motivation, and successful collaboration between state and voluntary sectors.

- ▶ **Shelters.** Temporary, alternative shelter is crucial in helping victims of domestic violence address their situations in a safe environment. However, the research revealed that the average usage rate at many government shelters is only 30 percent of capacity. Important reasons for this include restrictions on the number and age of dependents accompanying their mothers, a lack of recreational facilities, and inadequate infrastructure. While shelters managed by voluntary agencies are less restrictive, relatively few childcare arrangements exist, causing difficulties for working women.³
- ▶ **Special programs.** In certain districts, initiatives taken by government officials have resulted in programs for income generation, skill building, education, and literacy. However, it was found that such strategies are few and have limited impact because they hinge largely on the personal motivation and interest of individual officials. Although

some NGOs have initiated economic self-reliance programs, dependence on government support for production and marketing limits the sustainability of such programs.⁴

- ▶ **Psychological counseling.** Most counseling services focus on practical rather than emotional aspects, an approach that was observed to ignore factors such as fears of further abuse, dilemmas about staying with an abuser, concern for children, and negative self-identity. Opportunities to upgrade the skills of counselors through regular training and contact with other professionals are limited. Further, social work curricula and training programs do not necessarily integrate gender-specific information and perspectives.
- ▶ **Medical care.** Neither the state nor the NGO sector has adequately addressed the need for immediate, effective medical care for survivors of domestic violence. For example, state-run shelters require only an initial, mandatory health check to rule out disease and for the gynecological and “moral health” of the residents. Women are not allowed to visit hospitals during their shelter stay unless an emergency occurs. Services for the mentally ill and staff training to handle special cases are insufficient.

Preventive Services

- ▶ Preventive services have enormous potential for becoming more prevalent and effective, for example in the area of legal literacy. In general, state outreach to communities is limited and many women remain unaware of their rights or existing services. NGO prevention activities have promoted outreach to diverse socioeconomic groups and innovative methods to build community awareness of domestic violence, including street plays, music, exhibitions, committees to welcome new brides to a village, and mock funeral processions that illustrate the potential outcomes of violence.

Conclusions

The research showed that the most successful models for domestic violence intervention combine both state and NGO strategies and provide a diversity of services. The best approach integrates *preventive strategies* involving the community; *remedial strategies* that empower women to seek legal recourse and help rebuild their self-confidence; and *recuperative services* that help women find long-term, viable livelihood options. In practice, this could entail education and legal literacy programs, combined with the enforcement of legislation on minimum age at marriage and inheritance of property.

Recommendations and Lessons Learned

Several recommendations emerged from the study:

- ▶ **Criminalize violence.** Reluctance by the state to interfere in the private sphere and to enforce

existing laws places increasing numbers of women at risk. The state should utilize its legal mandate to publicize domestic violence as a public concern and to take strong punitive action against perpetrators

of violence. In addition, the definition of domestic violence should be broadened to include abuse suffered by unmarried daughters, widows, and divorcees.

³ Solving such problems may be difficult in light of limited resources; in 1997, only 0.03 percent of the total expenditure of the Central Programme, Social Welfare Board in Madhya Pradesh was set aside for shelters.

⁴ Some NGOs have adopted schemes (such as a handloom textile industries board) to secure contracts and sell finished products. Income generation programs at state-run shelters offer limited, traditional skill-building opportunities, such as stitching, tailoring, and knitting.

► Take a holistic approach.

Interventions should address women's practical and strategic needs. Stakeholders involved in housing, child protection, private industry, and trade unions should help develop a well-coordinated response to domestic violence. Similarly, collaboration among government agencies and NGOs should be encouraged in order to prevent duplication of services, ensure better utilization of scarce resources, and increase the dissemination of information.

► Improve research and data.

A lack of or inefficient registration of domestic violence crimes contributes to the problem's persistent invisibility. Databases in India should be expanded to include rigorous empirical research on the incidence of domestic violence, and connections to health, legal, and economic costs should be carefully analyzed.

► **Develop staff.** Service providers should do their best to increase salaries and working conditions in order to attract competent, qualified personnel. Opportunities for networking and professional development should be encouraged, particularly among counselors and shelter wardens. Mechanisms to provide checks and balances on both state and NGO actors working on domestic violence issues should be established to monitor quality of services.

► **Use new indicators.** Women's access to and control over resources should be recognized as an indicator of development. Gender sensitivity should be included in the training of police, the judiciary, public officials, policy makers, social workers, counselors, and other service providers. An analysis of existing training curricula should be undertaken to identify where and how gender concerns can be incorporated.

Lessons learned from research in Maharashtra and Madhya Pradesh can be applied to future work on domestic violence both in India and other countries:

► **Address batterers.** Because programs in India primarily involve survivors of violence and do not challenge batterers, their effectiveness and sustainability is often compromised. Batterer-centered programs have been implemented successfully in several locations throughout the world, and need to be replicated.

► **Share information.** Many women's efforts to escape domestic violence are hampered by a lack of information on available services. Generating public awareness of domestic violence as an abrogation of universal human rights is critical.⁵

⁵ The Government of India is a signatory of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and is thereby obligated to respond to domestic violence with genuine and meaningful legal strategies.

References

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International Center for Research on Women
1717 Massachusetts Avenue, NW, Suite 302
Washington, DC 20036, USA
Tel: (202) 797-0007; Fax: (202) 797-0020
www.icrw.org

The Centre for Development and Population Activities
1400 16th St., NW
Washington, DC 20036, USA
Tel: (202) 667-1142; Fax: (202) 332-4496
www.cedpa.org

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For additional information and project-related documents, please contact:

Nishi Mitra, Women's Studies Unit
Tata Institute of Social Sciences
Post Box 8313, Sion Trombay Road
Deonar, Mumbai 400 088
Tel: (91) (22) 556-3290-96; Fax: (91) (22) 556-2912; Email: nishimitra@tiss.edu

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